



United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
WESTERN REGION OFFICE  
P.O. BOX 10  
PHOENIX, ARIZONA 85001

EPA NO. 1160-1-1  
FILE NO. SDMS Document ID



2162995



IN REPLY  
REFER TO:

Environmental Management, MS-620EM  
602-379-3491

SDMS \* 2162995

**RECEIVED**

AUG 5 2005

Office of Enforcement  
Compliance & Environmental  
Justice

AUG 25 2005

Mr. John R. Jacus, Esq.  
DAVIS GRAHAM & STUBBS LLP  
1550 Seventeenth Street, Suite 500  
Denver, Colorado 80202

Subject: Storage of Solid Waste Generated by the Hecla Mining Company

Dear Mr. Jacus:

We are in receipt of your letter, dated August 2, 2005 concerning Hecla Mining Company's refusal to remove solid waste stored in the Hecla Pond impoundment. Needless to say, we are disappointed at this refusal. Currently, we are working to provide you further justification and rationale regarding the intent of the lease for the removal option.

In addition, we have contacted Ninyo & Moore to request a cost estimate for the removal option, as well as technical information regarding the existing option to leave the solid waste in place. We plan to provide you with both additional lease and environmental information by September 9, 2005. Subsequent to our provision of this information, we will be requesting a meeting between Hecla, the Bureau of Indian Affairs (BIA), and the Shivwits Band of the Paiute Indian Tribe of Utah to discuss this matter.

Over and above our disagreement concerning lease provisions and the technical adequacy of the existing option, leaving the solid waste in place poses long-term negative environmental consequences and liability, and limits or reduces future use at an economically viable commercial and industrial area. With this in mind, and in order to encourage further consideration by Hecla of the removal option, the BIA is willing to cost share this alternative to the extent funding is available, which is among the issues we wish to discuss at the proposed meeting.

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If you have any questions regarding real estate or environmental management, please contact Mr. Stan Webb at 602-379-6781 or Mr. John Krause at 602-379-3491, respectively.

Sincerely,

**Bryan Bowker**  
Acting Regional Director

cc:

- Lora Tom, Chairperson  
Paiute Indian Tribe of Utah Tribal Council
- Glenn Rogers, Chairman  
Shivwits Band of Paiutes
- Kellie Youngbear, Superintendent  
Southern Paiute Agency
- Stan Webb, Chief  
Real Estate Services
- Debbie McBride, Chief  
Division of Environmental and Cultural Resources Management
- William Quinn, Attorney Advisor  
Office of the Field Solicitor, Phoenix, AZ
- Carol Rushin, Assistant Regional Administrator  
Office of Enforcement, Compliance and Environmental Justice
- EPA Region 8:
  - Amy Swanson, Enforcement Attorney  
EPA Region 8, 8ENF-L
  - Ann Robison, Lands Administrator  
Hecla Mining Company
  - Chris Gypton, Project Manager and Senior Engineer  
Hecla Mining Company
  - Robert Troisi, Managing Principal  
Environmental Sciences Division  
Ninyo & Moore, Las Vegas, NV